IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.312 OF 2004
IN
SUMMARY SUIT NO.6615 OF 1999

Mr.Suryakant H.Mehta .. Plaintiff

Vs.

M/s.Western Canvas Depot & Anr. .. Defendants

Ms.M.Bhatia i/b R.M.Hiranandani for the plaintiff

Mr.K.D.Jha for the defendants

CORAM : S.U.KAMDAR, J

DATED : 11TH APRIL 2005

P.C.:

. The present Chamber Summons is taken out for a leave to execute a decree against the partners who are the respondents in the present proceedings. The said rule is sought to be obtained under the provisions of XXXVII of the CPC. Leave granted. I am satisfied that there are defaults in payment and therefore, decree is required to be executed. However, the learned counsel appearing for the defendants states that there is no default of repayment of instalments and it is the plaintiffs who have committed defaults. The said issue can be decided only on execution. In view thereof, Chamber Summons disposed of

accordingly. No order as to costs.